

Assembly Bill No. 1485

Passed the Assembly September 11, 1997

Chief Clerk of the Assembly

Passed the Senate September 4, 1997

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor

└

CHAPTER ____

An act relating to earthquake protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1485, Scott. Earthquake protection: reservoirs.

(1) Under existing law, the Alquist-Priolo Earthquake Fault Zoning Act, the State Geologist is required to delineate appropriately wide earthquake fault zones, as prescribed.

Existing law provides for the regulation and supervision of dams and reservoirs by the state, and imposes prescribed requirements relating to the construction of new dams and reservoirs.

This bill would make a legislative finding and declaration that the San Marino High School in Los Angeles County is located near a specified fault and would prohibit the San Gabriel County Water District from enlarging or constructing any water storage facility system that is uphill of, and within 1,000 feet of, the school unless the Division of the Safety of Dams of the Department of Water Resources certifies in writing that the facility complies with those provisions relating to the regulation and supervision of dams and reservoirs, including the construction of new dams and reservoirs.

The bill would require, in the event that the division approves an application for approval of the water storage facility without requiring substantive changes in the design of the facility, the City of San Marino and the San Marino Unified School District to jointly reimburse the water district for the full amount of the application filing fee. By imposing that new duty on the city and school district, the bill would impose a state-mandated local program.

The bill would state that its provisions are applicable to the enlargement or construction of any water storage facility system, including any enlargement or construction that commenced prior to January 1, 1998. The bill would specify that any decision or certification



made by the Division of Safety of Dams pursuant to those provisions shall be final and not subject to judicial review, unless it is determined by clear and convincing evidence that the decision or certification was arbitrary and capricious.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature hereby finds and declares that the San Marino High School in Los Angeles County is located near the Raymond Hill Fault.

(b) The San Gabriel County Water District shall not enlarge or construct any water storage facility system that is uphill of, and within 1,000 feet of, the San Marino High School unless, after receipt of payment for the filing fee pursuant to Section 6300 of the Water Code, the Division of Safety of Dams of the Department of Water Resources certifies in writing that the facility meets the requirements normally applied to facilities approved pursuant to Division 3 (commencing with Section 6000) of the Water Code. Section 6028 of the Water Code shall apply to any determination made by the Division of Safety of Dams pursuant to this section.

(c) In the event that the Division of Safety of Dams approves an application for approval of the water storage facility without requiring substantive changes in the design of the facility, the City of San Marino and the San Marino Unified School District shall jointly reimburse the San Gabriel County Water District for the full amount of the application filing fee. If the Division of Safety of Dams requires substantive facility changes, no such reimbursement shall be required.

(d) This section shall apply to the enlargement or construction of any water storage facility system,



including any enlargement or construction that commenced prior to January 1, 1998.

(e) Any decision or certification made by the Division of Safety of Dams pursuant to this section shall be final and not subject to judicial review, unless it is determined by clear and convincing evidence that the decision or certification was arbitrary and capricious.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



Approved _____, 1997

Governor

